



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

MAY 31 2002

Paper No. 9

In re Application of
Kenichiro Suzuki
Application No. 09/702,881
Filed: November 1, 2000
Attorney Docket No. Q61326

:
: DECISION ON PETITION
:
:

This is a decision on the petition filed on May 2, 2002 requesting that the examiner's holding of abandonment for failure to file a reply to the Office letter dated August 15, 2001 be withdrawn.

The petition is granted.

Petitioner alleges that no reply to the Office letter in question was filed because the Office letter in question was not received by counsel at the correspondence address of record. This allegation is supported in a manner which satisfies the requirements of the Notice published at 1156 OG 53 and discussed in MPEP 711.03(c) regarding establishing nonreceipt of Office correspondence. As the Office letter dated August 15, 2001 was not received at the correspondence address of record, this application was not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for Patent Examining Group 3720 for re-mailing a complete copy of the Office letter dated August 15, 2001, together with all attachments thereto including references. Prior to mailing, the PALM correspondence address must be changed to agree exactly with the address as reproduced at the bottom of this Decision. The period for reply to the re-mailed Office action will run THREE MONTHS from the date upon which the action is re-mailed, and can be extended up to the statutory maximum of six months under the provisions of 37 CFR 1.136(a).

PETITION GRANTED.


E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

Sughue, Mion, Zinn, MacPeak & Seas, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213